

ENTERED

March 30, 2022

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION****UNITED STATES OF AMERICA,
Plaintiff,****v.****GLEN HARRY WESTHOEK,
Defendant.**§
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§**CRIMINAL NO. 2:18-126****ORDER**

Pending before the Court is Defendant Glen Harry Westhoek's letter motion seeking copies of his Statement of Reasons and Presentence Investigation Report. D.E. 35.

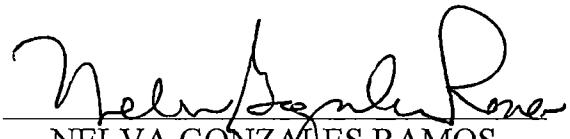
Assuming Defendant can establish that he is indigent,¹ an indigent defendant has a statutory right to free court documents only when he can establish that the documents are necessary to decide an issue in a pending suit and that the suit is not frivolous. *See* 28 U.S.C. § 753(f); *United States v. MacCollum*, 426 U.S. 317 (1976). Defendant has nothing pending before the Court, other than the present motion, and he does not state why he needs his Statement of Reasons or Presentence Investigation Report, which are sealed. He also has not offered any reason why the Court should unseal his Statement of Reasons or Presentence Investigation Report. Accordingly, he fails to meet the statutory requirements for free documents. *See* 28 U.S.C. § 753(f); *see also United States v. Herrera*, 474 F.2d 1049, 1049–50 (5th Cir. 1974) (“This Court has consistently held that a federal prisoner is not entitled to obtain copies of court records at the government’s expense to search for

1. Defendant has not submitted an affidavit of indigency, nor any financial information concerning his prison account or his current financial condition. Because the Court resolves his motion on other grounds, it is not necessary to decide at this time whether Defendant is, in fact, indigent.

possible defects merely because he is indigent.”).

For the reasons stated above, Defendant’s letter motion seeking copies of his Statement of Reasons and Presentence Investigation Report (D.E. 35) is **DENIED**.

So **ORDERED** on 3 | 30 | 22.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE